



**Linda S. Adams**  
*Secretary for  
Environmental Protection*

# **California Regional Water Quality Control Board**

## **Santa Ana Region**

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**Arnold Schwarzenegger**  
*Governor*

July 22, 2009

Scott Hansen  
KB Home Coastal, Inc.  
36310 Inland Valley Drive  
Wildomar, CA 92595

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR THE MAY RANCH PHASE 4 STORM DRAIN OUTFALL  
RELOCATION, CITY OF PERRIS, RIVERSIDE COUNTY (ACOE REFERENCE NO.  
NOT AVAILABLE)**

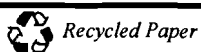
Dear Mr. Hansen:

On May 11, 2009, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification"), submitted on your behalf by HELIX Environmental Planning, Inc., for the relocation of a storm drain outfall associated with the construction of May Ranch, Phase 4, in the City of Perris. This letter responds to your request for certification that the proposed project, described in your application and in subsequent submittals, and summarized below, will comply with State water quality standards outlined in the 1995 Water Quality Control Plan for the Santa Ana River Basin ("Basin Plan") and subsequent Basin Plan amendments:

**Project Description:** Relocation of an existing storm drain outfall structure in the Perris Valley Storm Drain ("PVSD"), to an area that is 375-feet southerly downstream. The existing storm drain is one of four outfalls constructed to serve portions of the May Ranch Specific Plan. The outfalls were constructed under a Certification issued for May Ranch, Phase 4, on October 20, 2005. The outfall proposed for relocation is the north-central outfall and was erroneously constructed within property for which an appropriate storm drainage easement has not been obtained. The project is located within Section 9 of Township 4 South, Range 3 West, of the U.S. Geological Survey *Perris, California*, 7.5-minute topographic quadrangle map (existing location: 33.8279 degrees N/ -117.2092

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***California Environmental Protection Agency***



degrees W, proposed location: 33.8272 degrees N/ -  
117.2088 degrees W).

Receiving water: Perris Valley Storm Drain.

Fill area: 0.01 acre of permanent impact to an ephemeral drainage (30 linear feet).

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 7.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate Best Management Practices ("BMPs") will be implemented to reduce construction-related impacts to Waters of the State. This project is part of a large plan of development that is over one acre. Therefore, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ, is required, as is development of a Storm Water Pollution Prevention Plan ("SWPPP") to control the discharge of pollutants from the project site.

You have applied for a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Perris certified an Environmental Impact Report ("EIR") for the proposed project on December 27, 1988.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an EIR prepared by the lead agency in determining whether to approve a Section 401 Certification. A responsible agency has responsibility for mitigating and avoiding only the direct and indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve. Further, the responsible agency must make findings as required by Sections 15091 and, if necessary, 15093, for each and every significant impact of the project.

As required by Section 15096, the Regional Board has considered the EIR prepared for the proposed project in approving this Certification, specifically, those sections of the



EIR relating to water quality. Based on the mitigation proposed in the EIR, and the conditions set forth in this Certification, impacts to water quality will be reduced to a less than significant level and beneficial uses will be protected. In approving this Certification, the Regional Board finds that changes or alterations have been required, or incorporated into the project, which avoid or mitigate impacts to water quality to a less than significant level.

**This 401 Certification is contingent upon the execution of the following conditions:**

1. The existing storm drain and its appurtenant structures must be completely removed and the embankment constructed in a manner that is consistent with adjacent areas of PVSD. BMPs used to stabilize the construction site must include seeding the embankment with appropriate native vegetation.
2. Regional Board staff and other authorized representatives shall be allowed:
  - a. Entry upon premises where storm water treatment facilities are located, or where records are kept under the requirements of this Certification and applicable waste discharge requirements;
  - b. Access to copy any records that are kept under the requirements of this Certification and applicable waste discharge requirements;
  - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations related to the treatment of storm water runoff from the project site; and
  - d. To photograph, sample and monitor for the purpose of assuring compliance with this Certification and applicable waste discharge requirements.
3. This Certification and any subsequent amendments must be maintained on site as a denoted element of any project SWPPP or Water Quality Management Plan ("WQMP").
4. The applicant must comply with the conditions and provisions of the Corps' Clean Water Act Section 404 permit(s).

**Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:**

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an



amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at:  
[www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)



Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT  
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – James Chuang  
State Water Resources Control Board, OCC – David Rice  
State Water Resources Control Board, DWQ – Water Quality Certification Unit  
California Department of Fish and Game – Michael Flores  
U.S. EPA – Supervisor of the Wetlands Regulatory Office WTR- 8

APF:401/certifications/may ranch phase 4 outfall reloc 332009-08